

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:19-cr-00107-MR-WCM-2**

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| (2) WILLIAM JAMES MESCALL, |) | |
| |) | |
| Defendant. |) | |
| <hr style="width:40%; margin-left:0"/> |) | |

THIS MATTER is before the Court on the Defendant's Motion to Seal Sentencing Memorandum [Doc. 85].

The Defendant moves the Court for leave to file a Sentencing Memorandum [Doc. 84], under seal in this case. [Doc. 85]. For grounds, counsel states that the memorandum contains information about the Defendant's physical, psychological, and neurological state, as well as references to his sealed Psychological Report. [Id.].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives."

Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant's motion. The Defendant filed his motion on April 15, 2022, and such motion has been accessible to the public through the Court's electronic case filing system since that time. Further, the Defendant has demonstrated that the memorandum contains sensitive information and that the public's right of access to such information is substantially outweighed by the Defendant's competing interests in protecting the details of such information. See United States v. Harris, 890 F.3d 480, 492 (4th Cir. 2018). Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Memorandum is necessary to protect the Defendant's interest in preventing the disclosure of this sensitive information.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Seal Sentencing Memorandum [Doc. 85] is **GRANTED**, and the Sentencing Memorandum [Doc. 84] shall be filed under seal and shall remain under seal until further Order of this Court.

IT IS SO ORDERED.

Signed: April 18, 2022



Martin Reidinger
Chief United States District Judge

